

Message Text

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PAGE 01 SEOUL 08545 080507Z
ACTION EA-12

INFO OCT-01 ISO-00 CA-01 SSO-00 L-03 JUSE-00 CIAE-00
INR-07 NSAE-00 H-01 PM-05 NSC-05 SP-02 SS-15
PA-01 PRS-01 EB-08 TRSE-00 INRE-00 /062 W
-----010561 080530Z /20

O 080430Z OCT 77
FM AMEMBASSY SEOUL
TO SECSTATE WASHDC IMMEDIATE 6895

C O N F I D E N T I A L SEOUL 8545

E.O. 11652: GDS
TAGS: PDIP KS US
SUBJ: KOREAN BANK RECORDS

SUMMARY: ROKG ONCE AGAIN REGISTERS COMPLAINT ABOUT ETHICS COMMITTEE EFFORT TO OBTAIN COMPLETE ROK EMBASSY RECORDS. ROKG WILLING TO MAKE AVAILABLE BANK RECORDS RELATING TO TONG-SUN PARK CASE, BUT STRENUOUSLY OBJECTS TO PRESENT ETHICS COMMITTEE SUBPOENA FOR ALL RECORDS. END SUMMARY.

1. IN RESPONSE TO AN URGENT REQUEST, DCM ACCOMPANIED BY POLCOUNS, CALLED ON ACTING FOREIGN MINISTER YOON SATURDAY (OCTOBER 8) MORNING. YOON SAID THAT ETHICS COMMITTEE HAD ISSUED SUBPEONAS ON OCTOBER 7TH, FOR ALL ROK BANK RECORDS BEING HELD BY RIGGS BANK, BUT HAD WITHHELD EXECUTION OF THE SUBPEONAS UNTIL OCTOBER 11TH. ROKG WAS GRATEFUL FOR THIS STAY OF EXECUTION SINCE IT PROVIDED ADDITIONAL TIME FOR NEGOTIATIONS, BUT YOON WENT ON TO MAKE THE FOLLOWING POINTS:

(A) ROKG, THROUGH ITS WASHINGTON LAW FIRM, HAD INDICATED THAT IT WAS WILLING TO COOPERATE TO THE MAXIMUM EXTENT POSSIBLE, WITHIN ITS SOVEREIGNTY AND INTERNATIONAL PRACTICES.

(B) HOWEVER, ROKG COULD NOT AGREE TO PROVIDE
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COMMITTEE COMPLETE RECORDS. SOME OF THESE PERTAINED TO A TIME BOTH PRIOR AND SUBSEQUENT TO TONG-SUN PARK'S ACTIVITIES. THE FULL SET FURTHERMORE INCLUDED RECORDS THAT BEAR NO RELATIONSHIP TO THE PARK AFFAIR (I.E., MILITARY PURCHASES, EMBASSY PAYROLL RECORDS, ETC). IN ADDITION TO BEING UNRELATED TO THE ETHICS COMMITTEE INVESTIGATIONS, SOME OF THESE RECORDS BEAR ON NATIONAL

SECURITY MATTERS, AND ROKG IS CONCERNED THAT IF MADE AVAILABLE TO COMMITTEE STAFF, THEY WILL BECOME PUBLIC.

(C) ON THE OTHER HAND, ROKG IS FULLY AWARE OF POTENTIAL PUBLIC RELATIONS DAMAGE THAT ITS UNWILLINGNESS TO PROVIDE ALL RECORDS MIGHT CREATE. NEVERTHELESS, ROKG FEELS SUFFICIENTLY STRONGLY ABOUT THIS ISSUE THAT IS IF ETHICS COMMITTEE CONTINUES ON ITS PRESENT COURSE ROKG RESERVES THE RIGHT TO SEEK LEGAL REMEDY, EITHER THROUGH THE INTERNATIONAL COURT OF JUSTICE OR OTHER AVENUES. ROKG STILL BELIEVES THAT ITS BANK RECORDS ARE EXEMPTED FROM SUBPEONA UNDER DIPLOMATIC IMMUNITY.

(D) YOON REPEATEDLY MADE THE POINT THAT HIS GOVERNMENT IS WILLING TO COOPERATE WITH ETHICS COMMITTEE, BUT THAT THIS COOPERATION HAS TO BE A TWO WAY STREET, WITH THE ETHICS COMMITTEE NOW ALSO NEEDING TO SHOW SOME COMPROMISE. AS AN ASIDE, YOON ALSO EXPRESSED HOPE THAT TONG-SUN PARK INVESTIGATION COULD BE CONDUCTED BY ALL ELEMENTS OF THE U.S. GOVERNMENT AS A SINGLE ENTITY AND "THROUGH ONE WINDOW".

(E) WHEN FOREIGN MINISTER RETURNS TOMORROW, ROKG WILL CONSIDER THE MATTER FURTHER. AS A FINAL COMMENT, YOON SAID THAT ROKG IS VIEWING ETHICS COMMITTEE APPROACH AS AN ATTEMPT TO "SMEAR ROK" WHICH WILL BE SEEN BY CONFIDENTIAL

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PUBLIC AS A FURTHER DETERIORATION OF RELATIONS BETWEEN TWO COUNTRIES.

(F) YOON HOPES THAT DEPARTMENT CAN SEEK COMMITTEE AMELIORATION OF COMMITTEE'S POSITION ON THE SUBPEONAS BY POINTING OUT THAT PRESENT REQUEST FOR ALL RECORDS IS NOT ACCEPTABLE TO ROKG AND THAT SOME COMPROMISE SOLUTION WOULD BE HIGHLY DESIRABLE.

2. IN RESPONSE, DCM POINTED OUT (ONCE AGAIN) THAT UNDER U.S. CONSTITUTION, EXECUTIVE AND LEGISLATIVE BRANCHES ARE SEPARATE AND EQUAL AND THAT THEREFORE ADMINISTRATION'S ABILITY TO INFLUENCE CONGRESSIONAL INVESTIGATIONS HAS LIMITS. EACH BRANCH OF OUR GOVERNMENT HAS OWN RESPONSIBILITIES WHICH IT WILL PURSUE ACCORDING TO ITS OWN PERCEPTIONS OF REQUIREMENTS. DCM RECOGNIZED THAT POSSIBILITY OF ADVERSE PUBLIC COMMENT IF ROKG AND ETHICS COMMITTEE COULD NOT AGREE ON THIS SUBPEONA ISSUE, BUT POINTED OUT THAT THIS MADE IT EVEN MORE ESSENTIAL FOR ROKG TO FULLY COOPERATE WITH DOJ TEAM. YOON TRIED TO PASS THIS OFF AS ESSENTIALLY A MINISTRY OF JUSTICE MATTER, BUT DCM REPEATED HIS POINT ABOUT FULL COOPERATION,

WHICH YOON FINALLY ACCEPTED.
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Message Attributes

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Disposition Approved on Date:
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Disposition Date: 22 May 2009
Disposition Event:
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Original Handling Restrictions: n/a
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Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
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Secure: OPEN
Status: NATIVE
Subject: KOREAN BANK RECORDS SUMMARY: ROKG ONCE AGAIN REGISTERS COMPLAINT ABOUT ETHICS COMMITTEE EFFORT TO OBTAIN COMPLETE ROK EMBASSY RE
TAGS: PDIP, KS, US, (TONGSUN PARK)
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/9744a933-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009